

REMARKS/ARGUMENTS

Claims 2-28 were canceled. Claims 28-37 have been added. Claims 1, 28-37 are currently pending.

Restriction Requirement and Double Patenting Rejection

In the office action of December 10, 2008, the Examiner had requested that the Applicant affirm the election of the group of claims made by Ivan Kavrukov in the phone interview of 11/07/08. In addition, the claims were rejected under 35 U.S.C. §101 for double patenting reasons, as the claims were copies of the claims in the issued parent application 6,846,289.

After reviewing the claim, Applicant has determined that the claims were in fact identical to the issued case. In view of the fact that there is additional material in the specification to claim, Applicant has amended the claims to more clearly focus on this additional patentable subject matter. In addition, Applicant has cancelled the identical claims 2-28, and substituted new claims 28-37. In view of this amendment it is requested that the restriction requirement and double patenting rejection be withdrawn.

Conclusion

In light of the above Remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the Office should have any questions or other issues to discuss, please do not hesitate to contact the undersigned attorney.

It is believed that a one month extension of time is due with the filing of this response. The Examiner is hereby authorized to charge the extension of time fee of \$130.00, as well as any other deficiency to Deposit Account No. 50-2855. The Examiner is also authorized to credit any overpayment to Deposit Account No. 50-2855.

Dated: April 8, 2009

Respectfully submitted,

____/Lindsay G. McGuinness/____

Lindsay McGuinness Reg. 38,549

Attorney for Applicant

USPTO Customer No. 38732

Hologic Inc.

250 Campus Drive

Marlborough, MA 01752

Tel: 508-263-8504

Fax: 508-263-2859